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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA   94105

EXAMINER
KIM, HAROLD J

ART UNIT	PAPER NUMBER
2181	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/003,495	FRANZEL, KENNETH S.
	Examiner	Art Unit	
	Harold Kim	2181	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 September 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

FRITZ FLEMING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
12/11/2006

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's arguments with respect to claims 1-43, filed 09/19/2006, have been

considered but the arguments are not persuasive. Therefore, **this action is made in**

FINAL.

2.   Claims 1-43 are presented for examination.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another
> filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United States
> and was published under Article 21(2) of such treaty in the English language.

102(e)

4.   **Claims 1-10, 12, 15-23, 25-31, 33, and 34 are rejected under 35 U.S.C. ~~103(a)~~**

as being unpatentable over Soetemans et al., US Pub. No.: US 2003/0058618 A1.

FWF
14/11/06

5.   In re claim 1, Soetemans et al. shows a network backplane interface [125, figs 3-

5; paragraph 0003, line 6] for a local network [paragraph 0003, lines 1-7], comprising:

(a) a circuit board [paragraph 0003, line 5; paragraph 0015, lines 1-4];

(b) a plurality of sockets [paragraph 0003, line 7, paragraph 0015, line 4]

connected to the circuit board for receiving plug-in network devices;

(c) power lines on the circuit board to one or more sockets for powering a plug-in

network device in each socket [paragraph 0023, lines 9-12];

(d) communication lines on the circuit board to each socket for communication

with the plug-in network devices [paragraph 0025] and

(e) a housing for the circuit board, power lines and communication lines, including openings for exposing said sockets [1 and 125 in figs 1 1A, 1B, and 3].

6.   In re claim 2, Soetemans et al. shows a communication controller [120a, 120b, fig 3] which allows communication between the plug-in devices.

7.   In re claim 3, Soetemans et al. a configuration circuit [120a, 120b fig 3; fig 6] on the circuit board which allows configuring function of one or more plug-in devices to perform desired functions.

8.   In re claim 4, Soetemans et al. shows the configuration circuit communicates with a plug-in device in a socket to identify the plug-in device and configure the plug-in device for network communication function [fig 6, paragraphs 0038-0039].

9.   In re claim 5, Soetemans et al. shows (1) memory [inherent feature of having a profile, paragraph 0032, lines 16-18] for storing configuration instructions for configuring one or more plug-in devices, and (2) processor [controllers, paragraph 0032, line 17] for executing the configuration instructions to network communication.

10.   In re claim 6, Soetemans et al. shows a configuration memory [paragraph 0032, lines 16-18] having configuration information for a plurality of predetermined plug-in device types [paragraph 0032, lines 12-17].

11.   In re claim 7, Soetemans et al. shows extended configuration memory [paragraph 0032, lines 16-18] for storing configuration information for additional device types.

12.   In re claim 8, Soetemans et al. shows an embedded configuration module [paragraph 0032, lines 16-18; fig 6] to configure plug-in devices in a configuration

session.

13.   In re claim 9, Soetemans et al. shows the configuration module configures all

plug-in devices in one configuration session [paragraph 13, lines 39-45; fig 6].

14.   In re claim 10, Soetemans et al. shows a platform-independent configuration

software [paragraph 0006, lines 13-22].

15.   In re claim 12, Soetemans et al. shows at least one socket is dedicated to

connection and communication with an external network [paragraph 0033, line 7].

16.   In re claim 15, Soetemans et al. shows a RJ-45 socket [paragraph 0033, line7].

17.   In re claim 16, Soetemans et al. shows a socket comprises a proprietary

connector combining power and data connections [paragraph 0016; paragraph 0030,

lines 0030, lines 17-21; figs 2A, 2B].

18.   In re claim 17, Soetemans et al. shows a network backplane interface [125, figs

3-5; paragraph 0003, line 6] for a local network [paragraph 0003, lines 1-7], comprising:

        (a) a plurality of sockets [paragraph 0003, line 7; paragraph 0015, line 4] for

receiving plug-in network devices;

        (b) power lines to one or more sockets for powering a plug-in network device in

each socket [paragraph 0023, lines 9-12];

        (c) communication lines to each socket for communication with the plug-in

network devices [paragraph 0025]; and

        (d) a configuration module for functional configuration of one or more plug-in

devices, wherein the configuration module communicates with each plug-in device in

each socket to identify the plug-in device and configure function of the plug-in device to

perform desired functions [paragraph 6; paragraph 0026; paragraph 0037].

19.   In re claim 18, Soetemans et al. shows

        (1) memory [120a, fig 3; paragraph 0038] for storing configuration instructions for

configuring one or more different plug-in devices, and

        (2) processor [120a, fig 3; paragraph 0038] for executing the configuration

instructions to communicate with a plug-in device in a socket, and configure that device

for network communication.

20.   In re claim 19, Soetemans et al. shows a configuration memory [120a, fig 3]

having configuration information for a plurality of predetermined plug-in device types

[paragraph 0039, lines 1-2].

21.   In re claim 20, Soetemans et al. shows extended configuration memory [120b, fig

3] for storing configuration information for additional device types.

22.   In re claim 21, Soetemans et al. shows the configuration module allows

configuring of plug-in devices in a configuration session for network communication

among the plug-in devices [fig 6].

23.   In re claim 22, Soetemans et al. shows configures all plug-in devices in one

configuration session [fig 6].

24.   In re claim 23, Soetemans et al. shows a platform-independent configuration

software [fig 6].

25.   In re claim 25, Soetemans et al. shows a network interface module [125, figs 3-5;

paragraph 0003, line 6] for a local network [paragraph 0003, lines 1-7], comprising:

(a) a plurality of sockets [paragraph 0003, line 7; paragraph 0015, line 4] for receiving plug-in network devices;

(b) power lines to one or more sockets for powering a plug-in network device in each socket [paragraph 0023, lines 9-12];

(c) a switch connected to each socket allowing communication with the plug-in network devices [120a, 120b, fig 3]; and

(d) a configuration module for functional configuration of one or more plug-in devices, wherein the configuration module communicates with each plug-in device in each socket to identify the plug-in device and configure the plug-in device to perform selected functions [fig 6; paragraph 0026; paragraph 0037].

26.   Claims 26-31, and 33 are rejected under the same rationale as discussed above in claims 18-23.

27.   In re claim 34, Soetemans et al. shows a printed circuit board [paragraph 0003, line 5].

Claim Rejections - 35 USC § 103

28.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29.   **Claims 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al., US Patent no. 6,289,405, in view of Trans, USPGPUB no.**

2002/0181633.

30.   In re claims 13, and 14, Soetemans et al. does not show a security module.

However, the security module is well known in the art of computer communication to

have the secure module for having secure communication. Trans shows a security

module [paragraph 0100, line 17-18] for Ethernet UTP applications. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention was

made to have the security module because it would provide a secure system.

31.   Claims 11, 24, 32, 35-43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Soetemans et al., US Patent no. 6,289,405, in view of Kim et al.,

USPAT No. 6,473,788.

In re claims 11, 24, 32, 35-39, and 41-42, Soetemans et al. does not show a user

interface for receiving user configuration commands to configure each plug-in and the

backplane, the common user interface is platform and operating system independent,

utilizing a common communication protocol between the plug-ins and the configuration

module, graphical user interface, the configurations circuit is centralized to the

backplane, a web browser; if a device is not recognized by the configuration circuit, then

the configuration circuit obtains configuration instructions for the unrecognized device

from a source external to the configuration circuit; if a plug-in device is not recognized

by the configuration circuit, then the configuration circuit obtains configuration

instructions for the unrecognized device from a user.

However, Kim et al. shows the user interface for receiving user configuration

commands to configure each plug-in and the backplane, the common user interface is

platform and operating system independent, utilizing a common communication protocol

between the plug-ins and the configuration module, graphical user interface, the

configurations circuit is centralized to the backplane, a web browser [150, fig 10;

S13040, fig 13B]; if a device is not recognized by the configuration circuit, then the

configuration circuit obtains configuration instructions for the unrecognized device from

a source external to the configuration circuit [S1425, fig 14], if a plug-in device is not

recognized by the configuration circuit, then the configuration circuit obtains

configuration instructions for the unrecognized device from a user [S1424, fig 14].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to have the user interface for receiving user

configuration commands to configure each plug-in and the backplane, the common user

interface is platform and operating system independent, utilizing a common

communication protocol between the plug-ins and the configuration module, graphical

user interface, the configurations circuit is centralized to the backplane, a web browser;

if a device is not recognized by the configuration circuit, then the configuration circuit

obtains configuration instructions for the unrecognized device from a source external to

the configuration circuit; if a plug-in device is not recognized by the configuration circuit,

then the configuration circuit obtains configuration instructions for the unrecognized

device from a user because it would provide a user-friendly system by allowing to have

a user interface with more flexible by allowing it to operate in multiple configurations.

32.   In re claim 40, Soetemans et al. shows embedded configuration instructions for

configuring one or more different plug-in devices, such that the configuration circuit uses

identity of each plug-in device to obtain corresponding configuration instructions for configuring the different plug-in devices [fig 6].

33.   In re claim 43, Soetemans et al. shows if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from the unrecognized device itself [fig 6].

Response to Arguments

Applicant's arguments filed on 9/19/2006 have been fully considered but they are not persuasive.

In the remarks, applicants argued in substance that (1) the limitations are not shown because limitations that are shown by Soetemans et al. are not same exact term as what applicant clamed terms in claims. For example, in claim 1, applicant alleged that Soetemans et al. does not show power lines on a circuit board to one or more sockets for powering a plug-in network device in each socket; even though, Soetemans shows that each of power filter modules 210a-d ... provide redundant filtered electrical power connections to each of the four subshelf positions of subshelf 125 [paragraph 0023, lines 9-12].   In addition, applicant also alleged that Soetemans et al. also does not show communication lines on the circuit board to each socket for communication with the plug-in network device, even though, Soetemans shows the limitations on paragraph 0025. Applicant also argued in substances that (2) the claimed invention would not be obvious because references would not suggest the various limitations to

be modified.

Examiner respectfully traverses applicants' remarks.

As to point (1), Soetemans clearly shows show power lines [electrical power connections, paragraph 0023, line 11] on a circuit board [power filter modules 210a-d, paragraph 0023, line 9] to one or more sockets [connections, paragraph 0023, line 11] for powering a plug-in network device [each of the four subshelf positins of subshelf 125, paragraph 0023, lines 11-12] in each socket as shown in above rejection.

Soetemans shows communication lines [data path functinality, as well as participating in intershelf control and communications functions, paragraph 0025, lines 2-4] on the circuit board [midplanes, paragraph 0025, line 6] to each socket [cards mounted to, paragraph 0025, line 5] for communication with the plug-in network device [Subshelves 110a-d provide data path functionality ... do so by virtue of cards mounted to the front and back side slots of their respective midplanes, paragraph 0025, lines 1-6].

All other limitations are also shown by Soetemans et al. as shown in above claim rejection. Please understand Examiners do not provide same exact terms of limitations, but do provide equivalent of limitations.

As to point (2), the test of the obviousness is:

"whether the teaching of the prior art, taken as whole, would have made obvious the claimed invention." As shown in In re Gorman, 933 F.2d at 986, 18 USPQ2d at 1888. Subject matter is unpatentable under §103 if it " 'would have been obvious ... to a

person having ordinary skill in the art.' While there must be some teaching, reason, suggestion, or motivation to combine existing elements to produce the claimed device, it is not necessary that the cited references or prior art specifically suggest making the combination." As shown in In re Nilssen, 851 R. 2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988).

"Such suggestion or motivation to combine prior art teachings can derive solely from the existence of a teaching, which one or ordinary skill in the art would be presumed to know, and the use of that teaching to solve the same [or] similar problem which it addresses." As shown in In re Wood, 599 F.2d 1032, 1037, 202 USPQ 171, 174 (CCPA 1979).

"In sum, it is off the mark for litigants to argue, as many do, that an invention cannot be held to have been obvious unless a suggestion to combine prior art teachings is found in a specific reference." As shown in In re Oetiker, 24 USPQ2d 1443 (CAFC 1992).

Accordingly, it is not required to disclose or specifically suggest particular elements. Instead the measure is what the teachings of the reference would suggest to one of ordinary skill in the art, not what the reference specifically suggest.

As discussed above, a person of ordinary skill in the art would be motivated to combine the teachings of the Soetemans et al. with Trans because Trans provides a security module for Ethernet UTP applications. It follows, therefore, that if a person of ordinary skill in the art were to implement the teachings of Trans on Soetemans et al.,

then Soetemans et al. would have to be altered in certain ways for providing a secure system.

Trans teaches a security module [paragraph 0100, line 17-18] for Ethernet UTP applications. Hence, a person of ordinary skill in the art would recognize that to implement the teachings of Trans on Soetemans et al. would provide a secure system. Therefore, the Examiner must respectfully disagree with the Applicant's assertion that Trans would not suggest that Soetemans et al. be modified. Clearly, if a person of ordinary skill in the art were to combine the Soetemans et al.'s system with the teaching of Trans, then, as with any combination, changes to the original system would have to provide a secure system.

Conclusion

Applicant's arguments with respect to claims 1-43, filed 9/19/2006, have been considered but the arguments are not persuasive. Therefore, this action is made in **FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

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Any inquiry of a general nature or relating to the status of this application should

be directed to the central telephone number (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Harold Kim whose telephone number is 571-272-4148.

The examiner can normally be reached on Monday-Friday 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fritz Fleming can be reached on 571-272-4145. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

uK

Harold J. Kim
Patent Examiner
December 10, 2006/HK

FRITZ FLEMING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
12/11/2006